

1 TOURISM, ARTS AND HERITAGE CABINET

2 Department of Fish and Wildlife Resources

3 (Amendment)

4 301 KAR 2:172. Deer hunting seasons, zones, and requirements.

5 RELATES TO: KRS 150.010, 150.177, 150.180, 150.411(3), 150.990, 237.110

6 STATUTORY AUTHORITY: KRS 150.025(1), 150.170, 150.175, 150.390(1)

7 NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the
8 department to promulgate administrative regulations to establish open seasons for the
9 taking of wildlife, to regulate bag limits and methods of take, and to make these
10 requirements apply to a limited area. KRS 150.170 authorizes exemptions for certain
11 people from hunting license and permit requirements. KRS 150.175 authorizes the kinds
12 of licenses and permits to be issued by the department. KRS 150.390(1) prohibits the
13 taking of deer in any manner contrary to any provisions of KRS Chapter 150 or KAR Title
14 301. This administrative regulation establishes deer hunting seasons and zones, bag
15 limits, legal methods of taking, and checking and recording requirements for deer
16 hunting.

17 Section 1. Definitions. (1) "Additional deer permit" means a permit that allows the
18 holder to take up to two (2) additional deer beyond those allowed by the statewide

1 permit in the following combinations:

2 (a) One (1) antlered deer and one (1) antlerless deer; or

3 (b) Two (2) antlerless deer.

4 (2) "Adult" means a person who is at least eighteen (18) years of age.

5 (3) "Air gun" means a pneumatic gun fired by a charge of compressed air.

6 (4) "Antlered deer" means a male or female deer, excluding male fawns, with a visible
7 antler protruding above the hairline.

8 (5) "Antlerless deer" means a male or female deer with no visible antler protruding
9 above the hairline.

10 (6) "Archery equipment" means a long bow, recurve bow, or compound bow
11 incapable of holding an arrow at full or partial draw without aid from the archer.

12 (7) "Arrow" means the projectile fired from a bow or crossbow.

13 (8) "Centerfire" means a type of gun that detonates a cartridge by the firing pin
14 striking a primer in the middle of the end of the cartridge casing.

15 (9) "Crossbow" means a bow with a string designed or fitted with a device to hold an
16 arrow at full or partial draw without aid from the archer.

17 (10) "Deer" means a member of the species *Odocoileus virginianus*.

18 (11) "Firearm" means a breech or muzzle-loading rifle, shotgun, or handgun.

19 (12) "License year" means the period from March 1 through the last day of February.

20 (13) "Modern gun" means an air gun, rifle, handgun, or shotgun that is loaded from

1 the rear of the barrel.

2 (14) "Muzzle-loading gun" means a rifle, shotgun, or handgun that is loaded from the
3 discharging end of the barrel or discharging end of the cylinder.

4 (15) "Novice deer hunter" means a person who has not harvested more than two (2)
5 deer in Kentucky in the last ten (10) years.

6 (16) "Shed" means an antler that has naturally been cast off the skull as a part of the
7 annual growth and replacement process.

8 (17) "Special deer hunt" means a one (1) or two (2) day deer hunt sponsored and
9 overseen by the department on private land that:

10 (a) Allows a novice deer hunter to use a modern gun outside of modern gun deer
11 season; and

12 (b) Shall be made available only to a:

13 1. Kentucky resident;

14 2. Person enrolled as a resident or non-resident student in a public or non-public
15 postsecondary institution located in Kentucky; or

16 3. Member of the United States military or his or her spouse or children stationed at a
17 military base in Kentucky.

18 (18)[(47)] "Statewide deer hunting requirements" means the season dates, zone
19 descriptions, bag limits, and other requirements for deer hunting established in this
20 administrative regulation.

1 ~~(19)~~~~(18)~~ "Statewide deer permit" means a permit, which, in conjunction with
2 appropriate licenses, seasons, and methods, allows the holder to take:

3 (a) One (1) antlered deer and no more than three (3) antlerless deer; or

4 (b) No more than four (4) antlerless deer.

5 ~~(20)~~~~(19)~~ "Youth" means a person under the age of sixteen (16) by the date of the
6 hunt.

7 ~~(21)~~~~(20)~~ "Youth deer permit" means a permit, which in conjunction with appropriate
8 licenses, seasons, and methods, allows the holder to take:

9 (a) One (1) antlered deer and no more than three (3) antlerless deer; or

10 (b) No more than four (4) antlerless deer.

11 ~~(22)~~~~(21)~~ "Zone" means an area consisting of counties designated by the department
12 within which deer hunting season dates and limits are set for the management and
13 conservation of deer in Kentucky.

14 Section 2. License and Deer Permit Requirements. (1) Unless license exempt, as
15 established in KRS 150.170, a person shall carry a valid:

16 ~~(a) [proof of purchase of a valid]~~ Kentucky hunting license while hunting; and

17 ~~(b) [a valid]~~ Deer permit while hunting.

18 (2) Unless license exempt, as established in KRS 150.170, a youth shall carry a valid:

19 ~~(a) [proof of purchase of A valid]~~ Kentucky youth hunting license while hunting; and

20 ~~(b) [A valid]~~ Youth deer permit while hunting.

1 Section 3. Hunter Restrictions. (1) A deer hunter shall not:

2 (a) Take a deer except during daylight hours;

3 (b) Use dogs, except leashed tracking dogs, to recover a wounded deer;

4 (c) Take a deer that is swimming;

5 (d) From a vehicle, boat, or on horseback, take a deer, except that a hunter with a
6 disabled hunting exemption permit issued by the department may use a stationary
7 vehicle as a hunting platform; and

8 (e) Possess or use a decoy or call powered by electricity from any source.

9 (2) A person shall only use the equipment established in paragraphs (a) through (e) of
10 this subsection to take a deer:

11 (a) A crossbow or archery equipment loaded with a broadhead of seven-eighths (7/8)
12 inch or wider upon expansion;

13 (b) A firearm:

14 1. With an action that fires a single round of ammunition upon each manipulation of
15 the trigger; and

16 2. Loaded with centerfire, single projectile ammunition designed to expand upon
17 impact;

18 (c) A muzzle-loading gun;

19 (d) A shotgun loaded with a shell containing single projectile ammunition designed
20 to expand upon impact; or

1 (e) An air gun:

2 1. Of .35 caliber or larger;

3 2. Charged by an external tank; and

4 3. Loaded with single projectile ammunition designed to expand upon impact.

5 (3) A person shall only use a weapon that complies with the appropriate season
6 established in Section 5 of this administrative regulation to take a deer.

7 (4) A crossbow shall contain a working safety device.

8 (5) A person shall not use a magazine capable of holding more than ten (10) rounds
9 to take a deer.

10 Section 4. Hunter Orange Clothing Requirements. (1) During the modern gun deer
11 season, muzzle-loader season, and any youth gun season, a person hunting any species
12 during daylight hours and any person accompanying a hunter, shall display solid,
13 unbroken hunter orange visible from all sides on the head, back, and chest except while
14 hunting waterfowl or mourning dove.

15 (2) During an elk firearm season, as established in 301 KAR 2:132, a person hunting
16 any species and any person accompanying a hunter within the elk restoration zone, shall
17 display solid, unbroken hunter orange visible from all sides on the head, back, and chest,
18 except while hunting waterfowl or mourning dove.

19 (3) The hunter orange portions of a garment worn to fulfill the requirements of this
20 section:

1 (a) May display a small section of another color; and

2 (b) Shall not have mesh weave openings exceeding one-fourth (1/4) inch by any
3 measurement.

4 (4) A camouflage-pattern hunter orange garment worn without additional solid
5 hunter orange on the head, back, and chest shall not meet the requirements of this
6 section.

7 Section 5. Statewide Season Dates. (1) A deer hunter may use archery equipment to
8 hunt deer statewide from the first Saturday in September through the third Monday in
9 January.

10 (2) A deer hunter may take deer with a modern gun statewide beginning the second
11 Saturday in November for sixteen (16) consecutive days.

12 (3) A deer hunter may use a muzzle-loading gun to hunt deer statewide:

13 (a) For two (2) consecutive days beginning the third Saturday in October;

14 (b) For nine (9) consecutive days beginning the second Saturday in December; and

15 (c) During any season in which a modern gun may be used to take deer.

16 (4) A deer hunter may use a crossbow to hunt deer statewide[:

17 (a)] from the third Saturday in September through the third Monday in
18 January[~~October 1 through the end of the third full weekend in October;~~

19 (b) ~~From the second Saturday in November through December 31; and~~

20 (c) ~~During any season in which a gun may be used to take deer].~~

1 (5) A youth or a legal resident hunter sixty-five (65) years or older may hunt with a
2 crossbow from the first Saturday in September through the third Monday in January.

3 (6) There shall be a youth gun season for two (2) consecutive days beginning on the
4 second Saturday in October, in which a youth deer hunter shall comply with this
5 administrative regulation and all other statewide deer hunting requirements.

6 (7) There shall be a free youth weekend for two (2) consecutive days beginning on the
7 Saturday after Christmas during which a youth:

8 (a) Shall not be required to have a hunting license or deer permit; and

9 (b) Shall comply with this administrative regulation and all other statewide deer
10 hunting requirements.

11 Section 6. Zones. (1) Zone 1 shall consist of Anderson, Ballard, Boone, Bracken, Bullitt,
12 Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittenden, Franklin, Fulton,
13 Gallatin, Grant, Graves, Green, Hardin, Harrison, Hart, Henderson, Henry, Hickman,
14 Hopkins, Jefferson, Kenton, Larue, Livingston, Lyon, Marshall, Mason, McClean,
15 McCracken, Mercer, Muhlenberg, Nelson, Oldham, Owen, Pendleton, Robertson, Scott,
16 Shelby, Spencer, Todd, Trigg, Trimble, Union, Washington, Webster, and Woodford
17 Counties.

18 (2) Zone 2 shall consist of Adair, Allen, Barren, Bath, Bourbon, Boyd, Boyle,
19 Breckinridge, Butler, Carter, Casey, Clark, Daviess, Edmonson, Fayette, Fleming, Grayson,
20 Greenup, Hancock, Jessamine, Lawrence, Lewis, Lincoln, Logan, Madison, Marion,

1 Meade, Metcalf, Monroe, Montgomery, Nicholas, Ohio, Taylor, and Warren Counties.

2 (3) Zone 3 shall consist of Cumberland, Elliott, Estill, Garrard, Johnson, Laurel, Morgan,
3 Powell, Pulaski, Rowan, Simpson, Wayne, and Wolfe Counties.

4 (4) Zone 4 shall consist of Bell, Breathitt, Clay, Clinton, Floyd, Harlan, Jackson, Knott,
5 Knox, Lee, Leslie, Letcher, Magoffin, Martin, McCreary, Menifee, Owsley, Perry, Pike,
6 Rockcastle, Russell, and Whitley Counties.

7 Section 7. Season and Zone Limits. (1) A person shall not take more deer than what
8 each zone allows, as established in this section.

9 (2) A person shall not take more than one (1) antlered deer per license year,
10 regardless of permit type used or zone hunted, except as established in 301 KAR 2:111,
11 2:178, or 3:100.

12 (3) A person may take an unlimited number of antlerless deer in Zone 1 if the person
13 has purchased the appropriate additional deer permits.

14 ~~(3) A person shall not take more than one (1) antlered deer per license year,~~
15 ~~regardless of the permit type used, except as established in 301 KAR 2:111, 2:178, and~~
16 ~~3:100.]~~

17 (4) A person may take up to a total of four (4) deer in Zone 2.

18 (5) In Zone 3, a person may take up to a total of four (4) deer, except that a firearm or
19 air gun shall not be used to take a total of more than one (1) antlerless deer.

20 (6) In Zone 4, a person may take one antlerless deer, but only during:

1 (a) Archery season, except that a person shall not take an antlerless deer during
2 modern gun season, the October muzzleloader season, or the first six (6) days of the
3 December muzzleloader season;

4 (b) Crossbow season, except that a person shall not take an antlerless deer during
5 modern gun season, the October muzzleloader season, or the first six (6) days of the
6 December muzzleloader season;

7 (c) Any youth weekend; or

8 (d) The last three (3) days of the December muzzleloader season.

9 Section 8. Supervision of Youth Gun Deer Hunters. (1) An adult shall:

10 (a) Accompany a person under sixteen (16) years old; and

11 (b) Remain in a position to take immediate control of the youth's gun.

12 (2) An adult accompanying a youth hunter shall not be required to possess a hunting
13 license or deer permit if the adult is not hunting.

14 Section 9. Harvest Recording. (1) Immediately after taking a deer, and prior to moving
15 the carcass, a person shall record, in writing:

16 (a) The species taken;

17 (b) The date taken;

18 (c) The county where taken; and

19 (d) The sex of the deer taken on one (1) of the following:

20 1. The hunter's log section on the reverse side of a license or permit;

1 2. The hunter's log produced in a hunting guide;

2 3. A hunter's log printed from the Internet;

3 4. A hunter's log available from any KDSS agent; or

4 5. An index or similar card.

5 (2) The person shall retain and possess the completed hunter's log while the person is
6 in the field during the current hunting season.

7 Section 10. Checking a Deer. (1) A person shall check a harvested deer before 11:59
8 p.m. on the day the deer is recovered by:

9 (a) Calling (800) 245-4263 and providing the requested information; or

10 (b) Completing the online check-in process at fw.ky.gov.

11 (2) A person who has checked in a deer shall record the confirmation number on a
12 hunter's log.

13 (3) If a hunter removes the hide or head of a harvested deer before the deer is
14 checked in, then the hunter shall retain the deer parts established in paragraphs (a) and

15 (b) of this subsection:

16 (a) For antlered deer, the:

17 1. Head with antlers; or

18 2. Testicles, scrotum, or penis attached to the carcass; or

19 (b) For antlerless deer, the:

20 1. Head; or

1 2. Udder or vulva attached to the carcass.

2 (4) If a hunter transfers possession of a harvested deer, or if the harvested deer is out
3 of the hunter's possession, the hunter shall attach to the carcass a hand-made tag that
4 contains the following information:

5 (a) The confirmation number;

6 (b) The hunter's name; and

7 (c) The hunter's telephone number.

8 (5) A person shall not provide false information while:

9 (a) Completing the hunter's log;

10 (b) Checking a deer; or

11 (c) Creating a carcass tag.

12 Section 11. Transporting and Processing Deer. (1) A person shall:

13 (a) Not transport an unchecked deer out of Kentucky;

14 (b) Have proof that a deer or parts of deer brought into Kentucky were legally taken;

15 or

16 (c) Not sell deer hides except to a licensed:

17 1. Fur buyer;

18 2. Fur processor; or

19 3. Taxidermist.

20 (2) A taxidermist or an individual who commercially butchers deer shall not accept a

1 deer carcass or any part of a deer without a valid disposal permit issued by the
2 department pursuant to KRS 150.411(3) or a proper carcass tag as established in Section
3 10 of this administrative regulation.

4 (3) An individual who commercially butchers deer shall keep accurate records of the
5 hunter's name, address, confirmation number, and date received for each deer in
6 possession and retain the records for a period of one (1) year.

7 Section 12. Special Deer Hunt Program. (1) A special deer hunt shall:

8 (a) Consist of a minimum of ten (10) novice deer hunters selected on a first-come,
9 first-served basis;

10 (b) Take place on private land with the permission of the landowner;

11 (c) Only be overseen and sponsored by department employees; and

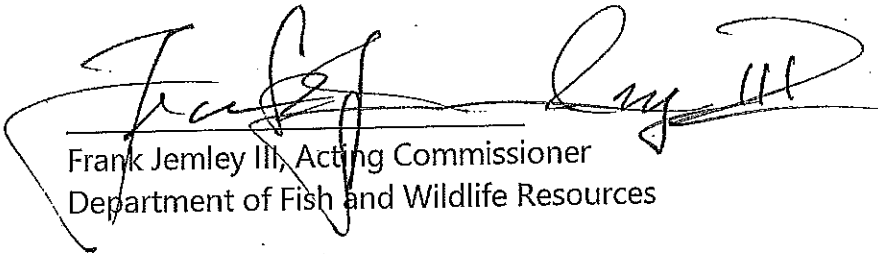
12 (d) Take place during the archery deer season.

13 (2) A special deer hunt participant shall possess a valid hunting license and deer
14 permit, except if the participant is license-exempt, as established in KRS 150.170.

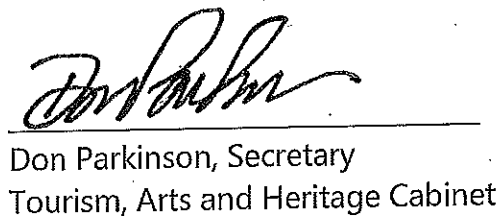
15 Section 13. Antlers (1)[Antler Traps]. A person shall not use a device that is designed
16 to entangle or trap the antlers of a deer.

17 (2) A shed of a deer shall be legal to possess.

Approved by the Fish and Wildlife Commission



Frank Jemley III, Acting Commissioner
Department of Fish and Wildlife Resources



Don Parkinson, Secretary
Tourism, Arts and Heritage Cabinet

Date: 1/7/19

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 25, 2019 at 9:00 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled.

This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made.

If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation through February 28, 2019.

Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

Mark Cramer
Department of Fish and Wildlife Resources
Arnold L. Mitchell Building
#1 Sportsman's Lane
Frankfort, Kentucky 40601
(502) 564-3400 FAX (502) 564-0506
Email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

301 KAR 2:172. Deer hunting seasons, zones, and requirements.

Contact Person: Mark Cramer

Email: mark.cramer@ky.gov

Phone: 502-564-3400

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes deer hunting seasons and zones, methods of take, bag limits, harvest recording procedures, and checking requirements.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to properly manage Kentucky's deer population while providing reasonable and ample recreational opportunity for deer hunters.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish hunting seasons, bag limits, and the methods of taking wildlife. KRS 150.170 exempts certain people from hunting license and permit requirements. KRS 150.175 authorizes the kinds of licenses and permits that are issued by the department. KRS 150.390 prohibits the taking of deer in any manner contrary to any provisions of Chapter 150 and KAR Title 301.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing the seasons, zones, limits, and other requirements authorized by the statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment allows youth deer hunters to hunt with a crossbow during the entire archery deer season, lengthens the statewide deer crossbow season, clarifies when an antlerless deer can be harvested in zone 4, exempts mourning dove hunters from hunter orange requirements, and clarifies that deer sheds can be collected and possessed.

(b) The necessity of the amendment to this administrative regulation: See 1 (b) above.

(c) How the amendment conforms to the content of the authorizing statutes: See 1(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See 1(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: For the 2017-18 deer season, there were approximately 257,898 resident and 27,435 non-resident Kentucky deer hunters.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Deer hunters will now have additional deer hunting days to use a crossbow to hunt deer, mourning dove hunters will now be exempt from hunter orange requirements, and youth deer hunters will now be able to use crossbows during archery season. The amendment also clarifies that individuals will be able to possess deer sheds.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment does not change any costs to the entities identified in question 3.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will benefit hunters by allowing them to hunt longer with different deer hunting weapons and allow for additional days of crossbow deer hunting. It also benefits youth deer hunters who may be interested in using crossbows during archery season, and exempts individuals from hunter orange requirements while hunting mourning doves during gun season.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will not be an additional cost to the agency to implement this administrative regulation initially.

(b) On a continuing basis: There will not be an additional cost to the agency on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase a fee or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? No, tiering is not applied because all deer hunters are subject to the same seasons, bag limits, zone requirements, and equipment restrictions.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number: 301 KAR 2:172. Deer hunting seasons, zones, and requirements.
Contact Person: Mark Cramer
Email: mark.cramer@ky.gov
Phone number: (502) 564-3400

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), KRS 150.170, KRS 150.175, and KRS 150.390(1).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Direct revenue from the sale of deer permits for the first year is estimated to be between \$3.5 and \$4.0 million based on recent years' sales.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Revenue during subsequent years is dependent on the number of permits sold, which has been stable to slightly decreasing in recent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred for subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):
Expenditures (+/-):
Other Explanation: